

Sara B. Allman, Esq., CSB #107932
Steven A. Nielsen, Esq., CSB #133864

■ ALLMAN & NIELSEN ■
A Professional Corporation
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Attorneys for Defendant
THOMAS J. TOMANEK

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDITH MACIAS, individually and on behalf
of similarly situated individuals; HOTON
DURAN; TIFFANY HUYNH; AURA
MENDIETA; WILLIAM LABOY; MIGUEL
ACOSTA; CRUZ ACOSTA; CUAUHTEMOC
TORAL; and TERESA VILLEGAS, KAPIKA
SALAMBUE and MARINA DURAN

Plaintiffs,
vs.

THOMAS J. TOMANEK; and MARK
GARIBALDI, individually and doing business
as THE GARIBALDI COMPANY,

Defendants.

Case No.: C07 3437 JSW

**DECLARATION OF MATTHEW F.
QUINT IN SUPPORT OF MOTION TO BE
DECLARED PREVAILING PARTY AND
FOR AN AWARD OF ATTORNEY'S FEES
AND COSTS**

DATE: March 14, 2008
TIME: 9:00 A.M.
COURTROOM: 2, 17th Floor
JUDGE: Hon. Jeffrey S. White

Date Action Filed: June 29, 2007

1 I, Matthew F. Quint, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all the courts of this
3 state, and am a partner in WILSON & QUINT LLP, personal litigation counsel for
4 defendant THOMAS J. TOMANEK (hereinafter "defendant") herein. The following facts
5 are within my personal knowledge and, if sworn to testify, I would testify competently
6 thereto.

7 2. I am a graduate of Harvard Law School, a civil litigation attorney with over
8 35 years of experience in state and federal court in the Bay Area, and am AV-rated by
9 Martindale Hubbel.

10 3. The attorney's fees incurred to date by Wilson & Quint in representing the
11 interests of defendant THOMAS J. TOMANEK in connection with the claims raised in the
12 pending action total \$15,600. Attached as Exhibit "A" is a true and correct copy of the
13 Wilson & Quint billing ledger on this matter, with all entries and charges not directly related
14 to defense of the underlying action redacted and deleted. The fees were billed at my
15 customary hourly rate. The charges are reasonable and were necessarily incurred in the
16 representation of moving defendant relative to defense of the action.

17
18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct and that this declaration was executed on this 22nd day of
20 January, 2008, in San Francisco, California.

21 
22 MATTHEW F. QUINT
23
24
25

PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

**DECLARATION OF MATTHEW F. QUINT IN SUPPORT OF MOTION TO BE
DECLARED PREVAILING PARTY AND FOR AN AWARD OF ATTORNEY'S FEES
AND COSTS**

on the interested parties in the action by placing ☐ the original ☒ a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christopher Brancart
Elizabeth Brancart
BRANCART & BRANCART
PO Box 686
Pescadero, CA 94060

Attorney for Plaintiffs EDITH MACIAS,
individually and on behalf of similarly
situated individuals; HOTON DURAN;
TIFFANY HUYNH; AURA MENDIETA;
WILLIAM LABOY; MIGUEL ACOSTA;
CRUZ ACOSTA; CUAUHTEMOC TORAL;
and TERESA VILLEGAS

John S. Blackman
Farbstein & Blackman
411 Borel Ave #425
San Mateo, CA 94402-3518

Attorneys for Defendant
MARK GARIBALDI, individually and
doing business as THE GARIBALDI
COMPANY

☒ BY MAIL: I deposited such envelope with postage thereon fully prepaid in the United States Postal Service mailbox at Larkspur, California.

☐ BY PERSONAL SERVICE: I delivered such envelope by hand to the addressee.


☐ BY FACSIMILE: I sent such document via facsimile to the facsimile machine of the addressee.

☐ BY EXPRESS MAIL: I deposited such envelope in a mailbox regularly maintained by the United States Postal Service for receipt of Express Mail postage paid to be delivered by Express Mail for overnight courier service to the addressee.

☐ BY OVERNIGHT DELIVERY: I deposited the envelope, in an envelope designated by the express service carrier, with delivery fees provided for, in a box regularly maintained by the express service carrier for overnight delivery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

1 Executed on January 22, 2008, at Larkspur, California.

2 
3 NOLI VILLA
4

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11:34 AMWilson & Quint LLP
Slip Listing

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Selection Criteria

Clie.Selection Include: Tomanek; Macias
 Acti.Selection Include: [REDACTED] Amendment; Client Dvlp; Closing;
 Conference; Correspondence; Court; Deposition; Draft; Education; File Review; Hearing;
 Interview; Lease; Legal Research; Meeting; Opinion; Paralegal; Phone Opp Atty; Phone
 client; Prep Pleadings; Preparation; Research; Review; Telephone call to client(s); attorney

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time	Rate Rate Info	Slip Value
Client: 2275.01								
13191	7/17/2007	TIME	Billed	G:11549	8/7/2007 Tomanek: Macias	0.20 0.00 0.00 0.00	400.00 C@1	80.00
			Telephone conference with Messrs. Holsman and Voorsanger.					
13194	7/18/2007	TIME	Billed	G:11549	8/7/2007 Tomanek: Macias	2.50 0.00 0.00 0.00	400.00 C@1	1000.00
			Review complaint; research re RICO claims; research re B&P Code section 17200 claims; initial conference with client and Messrs. Holsman and Voorsanger; prepare engagement letter; e-mail to client.					
13195	7/19/2007	TIME	Billed	G:11549	8/7/2007 Tomanek: Macias	0.60 0.00 0.00 0.00	400.00 C@1	240.00
			Telephone conference with Mr. Holsman; telephone conference with Mr. Clochon of Mr. Hansen's office.					
13205	7/20/2007	TIME	Billed	G:11549	8/7/2007 Tomanek: Macias	[REDACTED] 0.00 0.00 0.00	400.00 C@1	[REDACTED]
			[REDACTED]					
			[REDACTED]					
			[REDACTED]					
			[REDACTED]					
13206	7/23/2007	TIME	Billed	G:11549	8/7/2007 Tomanek: Macias	[REDACTED] 0.00 0.00 0.00	400.00 C@1	[REDACTED]
			[REDACTED]					

Exhibit "A"

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
13313	TIME			Matt F. Quint		0.70	400.00	280.00
	7/25/2007			attorney		0.00	C@1	
	Billed	G:11549	8/7/2007	Tomanek: Macias		0.00		
			Begin review of client documents and files.			0.00		
13314	TIME			Matt F. Quint		2.00	400.00	800.00
	7/26/2007			attorney		0.00	C@1	
	Billed	G:11549	8/7/2007	Tomanek: Macias		0.00		
			Complete review of tenant files; telephone conference with Ms. Allman; e-mails to and from Ms. Allman; telephone conference with Mr. Holsman; letter to Ms. Allman; telephone conference with Mr. Ciochon and Ms. Allman.			0.00		
13216	TIME			Matt F. Quint		0.60	400.00	240.00
	7/27/2007			attorney		0.00	C@1	
	Billed	G:11549	8/7/2007	Tomanek: Macias		0.00		
			Telephone conference with Mr. Ciochon; letter to Mr. O'Dwyer; e-mail to Ms. Allman.			0.00		
13221	TIME			Matt F. Quint		0.50	400.00	200.00
	7/30/2007			attorney		0.00	C@1	
	Billed	G:11549	8/7/2007	Tomanek: Macias		0.00		
			Telephone conference with Mr. Holsman; e-mail from Ms. Allman; e-mail to Ms. Allman; telephone conference with Robbie Gonzales; e-mail to Mr. Gonzales.			0.00		
13224	TIME			Matt F. Quint		0.30	400.00	120.00
	7/31/2007			attorney		0.00	C@1	
	Billed	G:11549	8/7/2007	Tomanek: Macias		0.00		
			E-mails to and from Mr. Ciochon and Ms. Allman; letter from Ms. Allman; letter from Mr. Ciochon.			0.00		
13521	TIME			Matt F. Quint		0.50	400.00	\$200
	8/1/2007			attorney		0.00	C@1	
	Billed	G:11567	9/10/2007	Tomanek: Macias		0.00		
			Review correspondence from Ms. Allman; letter to Ms. Allman; [REDACTED]			0.00		
13524	TIME			Matt F. Quint		0.60	400.00	240.00
	8/10/2007			attorney		0.00	C@1	
	Billed	G:11567	9/10/2007	Tomanek: Macias		0.00		
			Telephone conference with Mr. Ciochon; telephone conference with Ms. Allman.			0.00		
13525	TIME			Matt F. Quint		1.30	400.00	520.00
	8/13/2007			attorney		0.00	C@1	
	Billed	G:11567	9/10/2007	Tomanek: Macias		0.00		
			Telephone conference with Ms. Allman;			0.00		

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Slip ID	Dates and Time	Attorney Activity	Units	Rate	Slip Value
	Posting Status	Client	DNB Time	Rate Info	
	Description	Reference	Est. Time	Bill Status	
			Variance		
	telephone conference with Mr. and Ms. Brancart and Ms. Allman; telephone conference with Ms. Allman and Mr. Ciochon; telephone conference with Mr. Ciochon.				
13559	TIME	Matt F. Quint	0.50	400.00	200.00
8/22/2007		attorney	0.00	C@1	
Billed	G:11567	9/10/2007 Tomanek: Macias	0.00		
	Review e-mails to and from Mr. Ciochon and Ms. Allman; telephone conference with Mr. Ciochon.				
13556	TIME	Matt F. Quint	2.00	400.00	800.00
8/23/2007		attorney	0.00	C@1	
Billed	G:11567	9/10/2007 Tomanek: Macias	0.00		
	Numerous e-mails and telephone conference to and from Messrs. Blackman and Ciochon and Ms. Allman.				
13551	TIME	Matt F. Quint	1.00	400.00	400.00
8/27/2007		attorney	0.00	C@1	
Billed	G:11567	9/10/2007 Tomanek: Macias	0.00		
	Telephone conference with Mr. Holsman; review RICO case authorities; e-mails among co-counsel.				
13713	TIME	Matt F. Quint	0.30	400.00	120.00
9/4/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
	E-mails to and from counsel.				
13717	TIME	Matt F. Quint	2.00	400.00	800.00
9/5/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		\$680.00
	Review legal authorities and cases on RICO issues; telephone conference with Messrs. Blackman, Ciochon and Ms. Allman; telephone conference with Ms. Allman; [REDACTED]				
13720	TIME	Matt F. Quint	1.50	400.00	600.00
9/10/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
	Telephone conference with Mr. Holsman; e-mail among co-counsel; review draft motion to dismiss RICO claims.				
13722	TIME	Matt F. Quint	0.70	400.00	280.00
9/11/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
	Further review of draft brief; e-mail to co-counsel re suggested modifications to brief.				

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Slip ID	Dates and Time Posting Status Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
13723	TIME 9/12/2007 Billed G:11578 10/5/2007 Telephone conference with Messrs. Ciochon and Blackman and Ms. Allman; telephone conference with Mr. Holsman; telephone conference with Ms. Allman; review pleadings in [REDACTED]	Matt F. Quint attorney Tomanek: Macias	1.00 0.00 0.00 0.00	400.00 C@1	400.00
13678	TIME 9/13/2007 Billed G:11578 10/5/2007 Review and revise Tomanek motion to dismiss; telephone conference with Ms. Allman; e-mails to and from co-counsel.	Matt F. Quint attorney Tomanek: Macias	1.00 0.00 0.00 0.00	400.00 C@1	400.00
13677	TIME 9/14/2007 Billed G:11578 10/5/2007 Continue review of Tomanek brief and Garibaldi brief re motion to dismiss; E-mails to and from Ms. Allman; telephone conference with Mr. Holsman.	Matt F. Quint attorney Tomanek: Macias	0.70 0.00 0.00 0.00	400.00 C@1	280.00
13670	TIME 9/17/2007 Billed G:11578 10/5/2007 [REDACTED] [REDACTED] review motions filed on Friday; e-mails to/from counsel.	Matt F. Quint attorney Tomanek: Macias	1.50 0.00 0.00 0.00	400.00 C@1	600.00
13669	TIME 9/18/2007 Billed G:11578 10/5/2007 Telephone conference with Mr. Ciochon; [REDACTED] [REDACTED]	Matt F. Quint attorney Tomanek: Macias	1.00 0.00 0.00 0.00	400.00 C@1	400.00
13685	TIME 9/19/2007 Billed G:11578 10/5/2007 Telephone conference with Mr. Holsman; telephone conference with Messrs. Ciochon and Blackman and Ms. Allman; conference with Mr. Holsman, Mr. Tomanek, Mr. Gonzales, Ms. Tomanek and Ms. Allman.	Matt F. Quint attorney Tomanek: Macias	2.40 0.00 0.00 0.00	400.00 C@1	960.00
13695	TIME 9/24/2007 Billed G:11578 10/5/2007 [REDACTED]	Matt F. Quint attorney Tomanek: Macias	0.00 0.00 0.00	400.00 C@1	[REDACTED]

Handwritten notes on the right margin:

- 0.50
- \$200.00
- 1.30
- \$120.00

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Slip ID	Dates and Time	Attorney Activity	Units	Rate	Slip Value
	Posting Status	Client Reference	DNB Time	Rate Info	
	Description		Est. Time	Bill Status	
			Variance		
			0.70		\$280.00
13698	TIME	Matt F. Quint	1.80	400.00	600.00
9/25/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
Telephone conference with Mr. Holsman; e-mail from Mr. Ciochon re [REDACTED] class action litigation; [REDACTED]			0.00		
13708	TIME	Matt F. Quint	0.00		
9/26/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
[REDACTED]			0.00		
13704	TIME	Matt F. Quint	0.40	400.00	160.00
9/27/2007		attorney	0.00	C@1	
Billed	G:11578	10/5/2007 Tomanek: Macias	0.00		
Telephone conference with Messrs. Ciochon, Blackman and Ms. Allman.			0.00		
13783	TIME	Matt F. Quint	1.00	400.00	\$400.00
10/1/2007		attorney	0.00	C@1	
Billed	G:11591	11/30/2007 Tomanek: Macias	0.00		
Review correspondence from Mr. Brancart and first amended class action complaint; [REDACTED]			0.00		
[REDACTED] telephone conference with Mr. Ciochon re [REDACTED] issues and [REDACTED] judgment.			0.00		
13786	TIME	Matt F. Quint	1.40	400.00	560.00
10/2/2007		attorney	0.00	C@1	
Billed	G:11591	11/30/2007 Tomanek: Macias	0.00		
E-mails to and from Ms. Allman; letter to Mr. Martin; analyze first amended complaint.			0.00		
13787	TIME	Matt F. Quint	0.90	400.00	360.00
10/3/2007		attorney	0.00	C@1	
Billed	G:11591	11/30/2007 Tomanek: Macias	0.00		
Telephone conference with Messrs. Blackman, Ciochon and Ms. Allman re new amended complaint, motions to dismiss and [REDACTED] e-mail to and from Mr. Ciochon.			0.00		
13809	TIME	Matt F. Quint	1.40	400.00	560.00
10/11/2007		attorney	0.00	C@1	
Billed	G:11591	11/30/2007 Tomanek: Macias	0.00		
E-mail from Mr. Ciochon; extended telephone conference with Messrs. Ciochon and Blackman and Ms. Allman re RICO motion and settlement			0.00		

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time	Rate Rate Info	Slip Value
						Est. Time	Bill Status	
						Variance		
			issues.					
13804	TIME			Matt F. Quint		1.00	400.00	400.00
	10/12/2007			attorney		0.00	C@1	720.00
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			Research re [REDACTED]			0.00		
			draft proposed form [REDACTED] for use by			0.00		
			defendants; [REDACTED]					
13797	TIME			Matt F. Quint		1.00	400.00	400.00
	10/15/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			Review, comment on, and revise draft motion to			0.00		
			dismiss first amended complaint; e-mails to and			0.00		
			from Mr. Ciochon.					
13799	TIME			Matt F. Quint		2.00	400.00	800.00
	10/16/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			E-mails to and from co-counsel regarding pros			0.00		
			and cons of [REDACTED] at this time;					
			telephone conference with Messrs. Ciochon and					
			Blackman and Ms. Allman; review plaintiff files					
			for Mr. Salambue and Ms. Duran.					
13768	TIME			Matt F. Quint		2.20	400.00	880.00
	10/19/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			Review and analyze [REDACTED] for			0.00		
			Rancho Luna and Rancho Sol 2004-2006; e-mail					
			to Mr. Ciochon re [REDACTED]					
			extended telephone conference with; e-mail from					
			Mr. Ciochon; e-mail to client; review Garibaldi					
			motion to dismiss.					
13767	TIME			Matt F. Quint		0.30	400.00	120.00
	10/22/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			Telephone conference with Mr. Holsman.			0.00		
13760	TIME			Matt F. Quint		0.20	400.00	80.00
	10/23/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			E-mail to/from co-counsel.			0.00		
13772	TIME			Matt F. Quint		[REDACTED]	400.00	[REDACTED]
	10/29/2007			attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek: Macias		0.00		
			[REDACTED]			0.00		
			[REDACTED]			0.00		

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time	Rate Info	Slip Value
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						Variance		
13773	TIME			Matt F. Quint			400.00	
10/30/2007				attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek; Macias		0.00		
						0.00		
13776	TIME			Matt F. Quint			400.00	
10/31/2007				attorney		0.00	C@1	
Billed	G:11591	11/30/2007		Tomanek; Macias		0.00		
						0.00		
13876	TIME			Matt F. Quint			400.00	
11/2/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
						0.00		
13878	TIME			Matt F. Quint		1.20	400.00	480.00
11/19/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
			Review opposition to motion to dismiss;			0.00		
			telephone conference with Mr. Ciochon; e-mails					
			to and from counsel; letter to client.					
13890	TIME			Matt F. Quint		1.00	400.00	400.00
11/26/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
			Review Garibaldi and Tomanek reply briefs;			0.00		
			e-mails to and from Ms. Allman and Mr. Ciochon.					
13872	TIME			Matt F. Quint		0.20	400.00	80.00
11/28/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
			Final review of reply brief; letter to client.			0.00		
13869	TIME			Matt F. Quint			400.00	
11/29/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
						0.00		
14046	TIME			Matt F. Quint		0.30	400.00	120.00
12/11/2007				attorney		0.00	C@1	
Billed	G:11603	1/8/2008		Tomanek; Macias		0.00		
			E-mails to and among co-counsel.			0.00		

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time	Est. Time	Variance	Rate Rate Info	Bill Status	Slip Value
14053	TIME			Matt F. Quint		0.20			400.00		80.00
	12/14/2007			attorney		0.00			C@1		
	Billed	G:11603		1/8/2008 Tomanek: Macias		0.00					
	E-mails to and from co-counsel.					0.00					

Total: Thomas J. Tomanek

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

Total: 2275.01

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

Grand Total

Billable	49.90	19960.00
Unbillable	0.00	0.00
Total	49.90	19960.00

39.00

\$15,600.00